IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12208 of 1994

Between:

Karna Raghavaiah, s/o.Veeraswamy,

Aged 58 years, R/.Nelaballi, Budanam (PO),

Chillakur Mandal, Nellore District.

..... PETITIONER

AND

1. The Branch Manager, Nellore District

Co-operativeCentral Bank Limited, Nellore.

2. The Deputy Registrar,

Co-Operative Societies, Gudue, Nellore District.

3.Kadivedu P.A.C.S.,

Kadivedu, Chillakur Mandal,

Nellore District.

.....RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the respondents dated 12.4.1994, 9.4.1994

as illegal, arbitrary and unjust, consequently to direct the respondents not to take further steps to auction the petitioner's lands and to pass such other and further orders as are necessary in the interests of justice.

Counsel for the Petitioner: MR.CH.ANJI REDDY

Counsel for the respondent No.1: Mr.K.Muralidhar Reddy.

Counsel for the Respondents 2 & 3: GP FOR COOPERATION

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.12208 OF 1994

ORDER:

This writ petition is filed questioning the notices dated 12.4.1994 and 9.4.1994. The petitioner is a loanee of the first respondent Bank. When the loan amounts were not paid, the impugned notices were issued wherein the petitioner was notified that the land mortgaged to the Bank will be sold if the amounts due are not paid.

The learned counsel has produced the receipts dated 13.3.2002, which are subsequent to the filing of the writ petition, showing that the amounts were settled in one time settlement. In that view of the matter, the impugned notices are hereby set aside and the writ petition is allowed.

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JUSTICE R.SUBHASH REDDY

Dated 09.02.2005.

Mdaa.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Wednesday, the 09th day of February, two thousand and five.

Copy to:

1. The Branch Manager, Nellore District

Co-operativeCentral Bank Limited, Nellore.

2. The Deputy Registrar,

Co-Operative Societies, Gudue, Nellore District.

3. The P.A.C.S.Kadivedu,

Kadivedu, Chillakur mandal, Nellore District.

4. Two C.D.copies.